

**Remarks**

Applicants wish to thank the Office for maintaining the indication of allowability of claims 3, 5, 6, 24 and 25, and for the withdrawal of the various rejections previously maintained under §§102 and 103.

5            Claims 3-25, 31, 32 and 53-54 were before the Office and claims 26-30 and 33-52 have been withdrawn from consideration. Claims 3, 5, 6, 8, 10-16, 18-19, 22-23, 31-32, and 54 have been amended herein. Claims 4, 7, and 53 have been canceled. Applicants respectfully request entry of the amendments which should place the claims in condition for allowance. Should the Office wish to discuss the claim amendments, or have suggestions to put the claims in better  
10    condition for allowance, please contact the undersigned.

**§112, Second Paragraph**

The Office rejected claims 8-14, 31, 32, and 53 under §112, second paragraph. Please cancel claim 53. Applicants amended claims 31 and 32 to clarify the nomenclature associated with the esterified bond (claim 31; between the 20<sup>th</sup> and 21<sup>st</sup> amino acids of SEQ ID NO.'s 1 and  
15    2) and the amino acid to be replaced (claim 32; the Glu is replaced with Gln at position 20<sup>th</sup> of SEQ ID NO.'s 1 and 2). Applicants amended claims 8-14 to recite "further comprises" a linking moiety. Applicants respectfully submit the above-described overcomes the Office's §112 position regarding claims 8-14, 31, 32 and 53. Favorable consideration is respectfully requested.

**§112, First Paragraph, Written Description**

20            The Office rejected claims 8-23, 31, 32, 53 and 54 under §112, first paragraph, written description. Applicants canceled claim 53. Applicants amended independent claims 3, 5, and 6, from which claims 8-23, 31, 32 and 54 depend. No new matter has been introduced by way of

amendment. The independent claims (3, 5, and 6) now recite "...wherein said fragment is capable of functioning as a substrate for an aggrecan degrading metallo protease (ADMP)." The Office indicated in the previous Office Actions that claims 3, 5, and 6 were allowable.

Applicants submit that the additional recitations to the claims do not impact their allowability.

5 The recitations provide functional language which finds support in the application as filed (*see e.g.*, page 6, lines 14-32; and page 9, line 22- page 10, line 31). Applicants amended claims 15 and 16 to more clearly reflect the function and utility of the cleavage products obtained from the claimed peptides recited in the independent claims from which claims 15 and 16 ultimately depend. One of ordinary skill in the art would have understood that Applicants were in  
10 possession of the subject matter recited in the claims. Applicants respectfully submit that the §112, first paragraph rejection (written description) should be withdrawn.

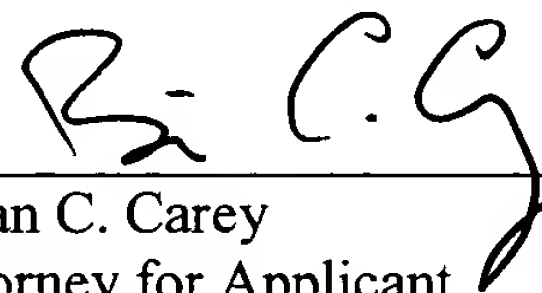
**§112, First paragraph, Enablement**

The Office rejected claims 4, 7-23, 31, 32 and 53 under §112, first paragraph, enablement. Applicants canceled claims 4, 7, and 53 and amended claims dependent on the  
15 same to reflect proper dependency on presently pending claims. The Office's enablement positions appear to be based on claims that Applicants wish to cancel.

Based on the foregoing, Applicants respectfully submit that the pending claims are patentable and in condition for allowance.

No fee is deemed necessary by applicants in connection with this filing, other than the fee  
20 required in connection with the accompanying petition. However, if any other fee is required, authorization is hereby given to charge the amount to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. C. Carey", is written over a horizontal line.

Brian C. Carey  
Attorney for Applicant  
Reg. No. 44,590  
(609) 252-3883

5 Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000

Date: October 11, 2006